

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ning Docket: 01P7422 US  
Serial No.: 09/854,760 Art Unit: 2812  
Filed: 5/14/2001 Examiner: TBD  
For: Design Lithography Alignment and Overlay Measurement Marks on CMP  
Finished Damascene Surface

Mail Stop 16  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

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Request for Refund Under 37 CFR § 1.26

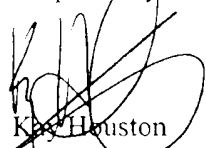
Dear Sir:

On April 17, 2002, the Applicant filed a Petition to Submit Replacement Drawings and paid the \$130.00 petition fee. The Applicant received an acknowledgement from the USPTO Box PGPub dated May 13, 2002, stating that the replacement drawings received on April 29, 2002 would be included for patent publication.

The Patent Application published on July 25, 2002 without the replacement drawings. A copy of the first page of the published patent application is enclosed. Therefore, Applicant requests a refund of the \$130.00 petition fee and that it be refunded to Deposit Account No. 50-1065.

If the office should have any questions, it is requested that Applicant's attorney be contacted at the telephone number below.

Respectfully submitted,

  
Khy Houston  
Attorney for Applicant  
Reg. No. 38,495

Slater & Matsil, I.L.P.